

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: JUUL LABS, INC., MARKETING SALES
PRACTICE AND PRODUCTS LIABILITY
LITIGATION

3:19-md-02913 (WHO)

Hon. William H. Orrick

*This Document Relates to All Plaintiffs Identified in
Exhibit A*

**JLI'S NOTICE OF MOTION TO DISMISS WITH PREJUDICE FOR FAILURE TO
SUBMIT DISCOVERY REQUIRED BY CASE MANAGEMENT ORDER NO. 16**

PLEASE TAKE NOTICE that on March 10, 2023, at 9:30 a.m., or as soon thereafter as this matter may be heard, in Courtroom 2 of this Court, located at 450 Golden Gate Avenue, 17th Floor, San Francisco, California, Defendant Juul Labs, Inc. ("JLI") will and hereby does move pursuant to Case Management Order No. 16, § V(B) the Court to dismiss with prejudice plaintiffs identified in Exhibit A to JLI's Motion to Dismiss for Failure to Submit Discovery Required by Case Management Order No. 16. The Motion is based on this Notice of Motion and the following Motion to Dismiss.

Dated: February 15, 2023

/s/ Timothy S. Danninger

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Attorneys for Defendant Juul Labs, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2023, I electronically served the foregoing Motion on all counsel of record in this action using the CM/ECF system.

/s/ Timothy S. Danninger

Timothy S. Danninger

1 **UNITED STATES DISTRICT COURT**
2 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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4 IN RE: JUUL LABS, INC., MARKETING SALES
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7
8 *This Document Relates to All Plaintiffs Identified in*
9 *Exhibit A*

10 **JLI'S MOTION TO DISMISS WITH PREJUDICE FOR FAILURE TO SUBMIT**
11 **DISCOVERY REQUIRED BY CASE MANAGEMENT ORDER NO. 16**

12 Case Management Order ("CMO") No. 16 requires that all Personal Injury Plaintiffs,
13 Government Entity Plaintiffs, and Tribal Plaintiffs seeking to participate in the Settlement Programs
14 submit a substantially complete, signed Plaintiff Fact Sheet ("PFS"). (CMO No. 16, § V (Docket No.
15 3714)). This Motion is limited to Personal Injury Plaintiffs. A corollary motion with respect to
16 Government Entity Plaintiffs will be forthcoming.

17 Pursuant to Section V(A) of CMO No. 16, on January 25, 2023, JLI served counsel of record
18 for the plaintiffs identified in Exhibit A with Notices of Overdue Discovery, specifying the deficiency
19 with each plaintiff's submissions and notifying plaintiffs that their cases may be subject to dismissal
20 for failure to comply with the Court's discovery orders. (CMO No. 16, § V(A); Affidavit of Timothy
21 S. Danninger ("Aff.") ¶¶ 3-5). Additional notices pursuant to Section V(A) of CMO No. 16 were sent
22 to counsel of record for additional Personal Injury plaintiffs on January 30, 2023 (collectively with
23 the January 25, 2023 notices, the "Notices"). Aff. ¶¶ 3-5.

24 The plaintiffs identified in the Notices were required to submit a substantially complete,
25 signed PFS on or before February 9, 2023 or February 14, 2023, depending on when they received a
26 Notice of Overdue Discovery, or risk having their claims dismissed. (CMO No. 16 § V). The
27 plaintiffs identified in Exhibit A have not responded to the Notice and/or have not subsequently
28 produced a substantially complete, signed PFS. (Aff. ¶ 6).

Pursuant to CMO No. 16, JLI hereby moves to dismiss with prejudice the claims of the plaintiffs identified in Exhibit A all of whom have not submitted a substantially complete, signed PFS. Pursuant to CMO No. 16, the plaintiffs subject to the foregoing Motion must file a response no later than **February 25, 2023**, either (a) certifying that the plaintiffs have submitted a completed PFS or (b) opposing the Motion for other reasons.

Dated: February 15, 2023

/s/ Timothy S. Danninger

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